

10A

Cause...

Remedy...

Hard Times



DECEMBER THE 26TH, 1894.

The report of the meeting at Lornvale School House in the Municipality of Odanah, and the Province of Manitoba, on the debate of the important position of creditor and debtor, and who should pay the costs of a distress sale, was as follows: It was well attended, although a very cold day, and it showed the question was of importance, and was made manifest by the energy and interest of every person present to debate and bring to light every point in the subject. And it must be well understood the motive of this debate is to show where the wrong or difficulty of one or more persons or company of persons have in doing business with each other, and if there was a wrong or difficulty that could be made clear and distinct to every one, that our present position was not as it should be, then we should try and find a remedy. There was a new system proposed and partly explained at this meeting. In this report it will be made more clear if possible. But, before we can proceed, the names of a few gentlemen present who took a part in the subject will be mentioned: Mr. Forsyth, M. P. P. for Beautiful Plains, Mr. Joseph Wyllie, Mr. Wm. Channon, Mr. Steuben Bear, Mr. Frank Grashy and O. C. J. Holmes.

The first question of complaint against our present position. There appeared to be a number of distress sales where goods and chattels of farmers had been sold at a sacrifice, and the debt in many cases was not all paid, although the law apparently paid itself first.

REPLY.

Is it not clear the law was getting the advantage of both creditor and debtor in many cases?

QUESTION.

It was made known that a majority of the seizures done by the law were under the dictation of persons in Cities and Towns far away, and any debt contracted with our Merchants near home, who had not been alarmed about their claims were obliged to stand by and lose all.

REPLY.

Is it not plain that creditors from a distance had taken advantage of their power in the use of the law against the debtor, and by so doing they were also taking the advantage of creditors at home which would have a tendency to make creditor at home use the law the next and most opportune time against debtor?

QUESTION.

Why are we subject to the law different from a man who invested in a Joint Stock Company?

REPLY.

Because a Joint Stock Company have a book with assets and liabilities balanced in a manner so that the purchaser may see the position or standing of the company.

QUESTIONS

We have a marked evidence that a great quantity of our land is diverted into the hands of Loan Companies every year, and the country in some districts is almost depopulated. It appears strange, these mighty men of value should have the power to take all our land, our cattle, and every thing grown or otherwise on the land, when they have only invested in a one third valuation, and we are informed that Uncle Sam to the south will only allow a company to take one half the stock and land and leave the settler on the other half.

REPLY

Is it not distinct that the law had given the land into the hands of creditors from a distance in the majority of cases, and by the removal of the actual settler, the property diverted back to the value of wild land, and is it not clear that the law had dealt between creditor and debtor in almost a criminal manner, and that we are not receiving justice equal to another nation?

QUESTIONS

There are complaints of inability to pay seed grain notes through the loss of crop some three years back, by hail, there has been a judgment of distress looking the crop since, and now the Municipal Committee is proceeding to sue and take more bread money in the manner of costs, which came first. Has a man no alternative but to mortgage his farm, for there is nothing except from the value of note or costs?

REPLY

Is it not proved positive beyond a doubt, that the law was acting in an unjust and criminal manner toward debtors, when the actual cause of the first trouble was an affliction sent by God, and creditors and debtors should share this loss then and there. The law should not be the antagonist, for the creditor should have all, and the debtor, who had invested actual value to a greater extent in the majority of instances, have nothing.

QUESTIONS

It is a well known fact, that under the new exemption act, a poor man losing one of his family, or a house, or ox, or crop, he is not able to get a dollar's worth of any thing on credit, not even seed grain from the central.

REPLY

Is it not proved beyond a doubt, that the law has come between man and man, to such an extent that none but the rich shall live, causing a still more criminal aspect, which will have a tendency to cause a poor man to rob and plunder from need, when it is a well known fact that lumber to make a coffin, or wood, or iron of any sort, is to be had in every man's possession.

QUESTION.

Illustrate the position in mathematical point of view. No. 7, a farmer after harvest, but before the sale of produce, advantage of Creditors 1, 2, 3, 4, 5, 6

Creditors and debtor

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THE
LAW

crop from any cause.
No. 6 applies to the
law, and was never
known to be refused,
with a debt of £50
against No. 7, and we

Debtors 8, 9,

must not forget to add £40 costs. Take this £90 out of his already short crop, what shape will No. 7 be in? Now No. 7 is obliged to go and jump on to No. 9 with law, for a debt of £50 and, the law gets another £40. No. 7 is still £40 out of pocket, and the law is £90 in pocket. Things are beginning to look bad, so No. 6 demands his claim to be settled, and there is no alternative but to sue the law against No. 7, and No. 7 against No. 8. Now No. 7 is £80 out of pocket, Nos. 8 and 9 are £40 each and the law is £160 in pocket. Nos. 1, 2, 3, 4 have got nothing, and by the law having taken £90 from No. 7 it is causing a loss of £20 each to Nos. 1, 2, 3 and 4. The loss the law is causing in selling stock that is not fit for market can not be figured out, but one thing certain, No. 7 will be down to the last row, and will have to mortgage his farm to pay 1, 2, 3 and 4, and how long can No. 7 pay interest, or a loan company with stock and implements more than half gone?

REPLY.

Is it not certain the law had the advantage and intends to keep it to the finish, and No. 7 being creditor to No. 8 and 9 was the cause of their goods and chattels being sold at a sacrifice, also. Do we not clearly see that soon as the law did meddle with the property of No. 7 it caused all the creditors and debtors to get mad and ugly toward each other; do we not know it was an injustice when it is known that No. 7 was an honest man or he should not have had so many creditors. We well know a rogue, or tricky person could not have more than one or two creditors in any town where he was known. Can we not feel for No. 7 in his affliction when it is altogether likely he will have to go and work out by the day for a very small pittance. Are we not alive to the fact that expense of wear and tear of implements, tools, shoes, clothing, or a physician in time of illness, 1 lb or 3 lbs per acre of twine to tie up the crop, are all things of expense to conduct that business, impossible to be done without, and no man living could tell how much or how little expense may be required to run the farm of No. 7 for one year; do we not clearly see that any honest farmer is liable to be in the position of No. 7 and subject to the mercy of the creditor and the law, and we have funds to prove there has been very little consideration shown a

farmer, loan me in the other, and the last and only resort for the first is to mortgage his farm to keep his family from starving and a red coat their hands for a little while, but not for long.

THE LAW

Law is supposed by some to be justice, and law is made by a court of judges. Some justice, some lawyers, a subject in the law and no living witnesses he may be found that possess any kind of edge of the subject is present in the law. The knowledge of these witnesses powers of the subject in the law, if it be plain and, according to him to be a good living, honest person, it is an evidence called by law the intent to a, and if it should be the reverse, that he was a bad living person, then that is a finding, then in a point of law, it is called the intent to a, and both intent and intent evidence given, point to a certain degree, and there is a penalty attached to every degree. Then, gentle men, does it not seem strange that we should be subject to a heavy penalty when we have in our minds the same intention as with a malicious intent against our creditors, does it not seem strange for intent character to be more questioned in the law than that we are dealt as innocents, a subject without feeling, which character is only found by the law in the lowest type of a criminal. We are now understood that it is the law itself who is the demon that is standing between man and man, do we not clearly understand that the law is in the position of a rogue, and in the field although to the justice, it is only robbery before the law, and it has been such a signal failure, and added our country to such an extent that we are responsible of an officer of the law, "the place is shocking with the goods and chattels of farmers to such an extent they would give them back to the farmers if they dared do so." Is this not the time to look most carefully into all these questions and debate them in every house? Is it not of great importance to every man, woman and child to make an effort to right this awful wrong done us?

REPLY

Is it not fairly well proved that we are under the criminal law to day, and have been for generations after generations? Is it not the question of the injustice for a heavy penalty to be placed against an honest man without a jury, and do we not need a remedy? Is it possible among all the clever men of this age, and from the beginning of time up to now, there has been a missing link out of the law, and a big one too? Is it not beyond a doubt that we are working at a great disadvantage with the law as our antagonist? Look at the poor people it has robbed in the Province of Manitoba this two years; look at the farms what state they are in, look at the houses and animals of all sorts what condition they are in. The life and soul of both man and

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A. MODAL LAW.

**To Amend the Law of Distress and Protect the Purchasing Power of
Money on an Equal Basis With the Lending Power.**

THE BOOK OF RECORDS.

Rule No. 1. An office of record. A Recording Office shall be kept in every City, Town, Rural Municipality, and incorporated district according to law, in central and convenient places for the use of people.

Rule No. 2. It shall be lawful for one or more persons, or company of persons, as the case may be, and the law directs, to be assessed for all their property, goods and chattels, under oath, and the assessment so taken shall be registered in the Recording Office according to law.

Rule No. 3. It shall be lawful for one or more persons, or company of persons, to appear at any time at the Recording Office To ask for, and receive a registered copy in duplicate, of their assessment and liabilities, if any, free of cost.

Rule No. 4. It shall not be lawful for the manager or clerks of the Recording Office to show the assessment or liabilities of one or more persons, or company of persons, other than their own.

Rule No. 5. It shall be lawful before one or more persons, or company of persons, or their agents may perform any contract of debt or debts, to show a registered copy in duplicate of their assessment and liabilities to the one or more persons, or company of persons, or their agents, as the case may be, who accept the position of creditor. It will then be the duty of the one or more persons, or company of persons, or their agents, as the case may be, who accepted the position of creditor, to examine that duplicate of assessment and liabilities. If the position of creditor is still acceptable in the transaction, and what ever agreement made between creditor and debtor shall be registered at once, and before any other contract may be made between one or more persons, or company of persons, or their agents, in the Recording Office under oath.

Rule No. 6. It shall be lawful for one or more persons, or company of persons, who are in the position of debtor or debtors, to pay all moneys that are to be applied on debts into the Recording Office, and receive a receipt for the same.

Rule No. 7. It shall be lawful for the Recording Office toward the one or more persons, or company of persons, who are in the position of creditor or creditors, to pay over all moneys due to them as directed by the debtor or debtors, and receive a receipt for the same.

Article No. 8. It shall be lawful for the Dominion Government and the various Provincial Governments and all the Municipal Corporations, to levy rates sufficient to pay their own costs, legal or otherwise, in recovering the principal and interest of any debt or contract, except where the law shall direct.

Article No. 9. It shall be lawful for one or more persons, or company of persons, or their agents, as the case may be, who have assumed the position of creditor or creditors, to pay their own costs, legal or otherwise, in recovering the principal and interest of any debt, or contract, except where the law shall direct.

Article No. 10. It shall be lawful when one or more persons, or company of persons, or their agents, who proceed to use the law to recover the principal and interest of any debt or contract, and where a written notice of protest appeared to prove the claim or claims interfered with other claim or claims of one or more persons, or company of persons. It shall be the duty of the law toward all the creditors and all the debtors to send them a written notice in due time, that they are required to appear and prove their claim or claims. If it so happens there is proof given to satisfy the law that there was a loss of principal, or interest, or both, or any portion thereof, caused by an affliction from God by drought, frost, hail, wind, water, or lightning, then the law shall send on a valuator to the place in dispute and take a valuation in writing of every claim nearly as possible, give the average of loss to each claim in writing; then the person, or persons, or company of persons, who were proceeding with the law, shall only extract on their claim or claims less the per cent. set by the law, and creditor or creditors and debtor or debtors shall pay toward the expenses to satisfy the law for the valuation done, and those expenses shall be paid in money in advance, or the law may ignore the protest or protests.

Article No. 11. It shall be lawful for one or more persons, or company of persons, who purchase Real Estate Property, to adopt the assessment as a basis of valuation, the amount of money paid will define the share to be staked out by legal survey according to law, and where the contract calls for more money at a given time, it will be dealt with according to law by the rule of No. 10 until the debt is paid and the remaining portion of property redeemed.

Article No. 12. It shall be lawful for one or more persons, or company of persons, or their agents, who loan money on Real Estate Property, to adopt the assessment valuation for a basis. The amount of money invested will define the share to be staked out by legal survey according to law. The refund of principal

and interest shall be dealt with according to law by the rule of No. 10 until the total amount of principal and interest is refunded, then the property shall be released.

RULE No. 13.—The Government will require to set a standard rate of interest, that no corporation or individual shall exceed. It will require to have an inspector to call once or twice a year to inspect all books and proceedings, with power to propose and advise to a limited extent how the books and office should be conducted, where it is necessary; also to see there is a safe or vault suitable to the requirements and books of every sort required, type-writing machines, telephone and telegraph wires and appliances to connect with other offices, private, public, and Recording Offices, in other Cities or Towns where it is needed and the funds will permit.

REMARKS BY THE INVENTOR.

GENTLEMEN—

DEAR SIRs: I hope you will excuse my rude attempt to illustrate this new method of doing business. You will see that the law becomes the gigantic motor which conducts all the business. Resident and non-resident persons who own property in this province will pay to support it according to their assessment, and every business will be conducted on its own resources throughout. The law will have power to pacify all disputes, and give every satisfaction. The people will hold great respect toward such a law, for it will not irritate as at present. The poor laboring man who pays a very small tax will have the same privilege and safety on his honor as the most wealthy. It is my opinion that small transactions may be conducted by wire with perfect safety.

Yours very truly,

O'C. J. HOLMES,

Inventor.

REMARKS FROM THE MEETING.

As true and loyal subjects of Her Majesty, Queen Victoria, and to Canada as our home. It is our duty to further the interest of, and amend if possible, our present position, and with permission of the inventor, O'C. J. Holmes, this new method of doing business will be circulated in our country and presented to our Government for further consideration.

Moved by WILL CHANNON.

Seconded by REUBEN REAR.

